IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6307 of 2006()

CRIME NO.373/2006 OF CHITTUR POLICE STATION
CRMP.5792/2006 of J.M.F.C.,CHITTUR

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PETITIONER/ACCUSED

SUKUMARAN @ MURALI,
S/O.RAJAGOPALAN NAIR, THARUVAKKODU VEEDU,
THEKKETHARA, KOTTEKKADU, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
CHITTUR POLICE STATION,
PALAKKAD DISTRICT, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6307 of 2006

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Dated this the 6th day of November, 2006

O R D E R

The petitioner is the fourth accused in Crime No.373/2006 of Chittur Police Station, for the offence punishable under Sections 415, 417 and 420 I.P.C., read with Section 34 of the Indian Penal Code. The prosecution alleges that the petitioner had introduced accused Nos.1 to 3 to the de facto complainant. Accordingly, accused 1 to 3, had offered job visa and through accused No.4, the petitioner herein, Rs.2 lakhs was parted with. Neither, a job visa was given, nor the amount returned by the accused. Therefore, at the instance of the de facto complainant, the crime has been registered. The petitioner is before this Court under Section 438 Cr.P.C, as he apprehends arrest in the crime registered by the Chittur Police Station.

2. The learned counsel for the petitioner submits that he had worked in gulf and knew accused 1 to 3. He had entered into an agreement between accused 1 to 3, for getting a job visa and, accordingly, he parted with Rs.3.5 lakhs, on two instances. The address given by the accused at the time of

execution of the agreement between the de facto complainant and accused 1 to 3 are the same, as that had been mentioned in the agreement, that had been executed between accused 1 to 3 and the petitioner herein. The counsel, therefore, submitted that the accused also cheated the petitioner. He is in search of those three persons. He also made a complaint before the Chief Judicial Magistrate, Palakkad, and the same had been forwarded to the police for investigation. The matter is pending investigation. According to the learned counsel for the petitioner, the petitioner had no mens rea and ill intention against the complainant and he would pay back the amount, immediately on tracing the accused 1 to 3.

3. After hearing both sides and considering the facts that are placed before me, I direct the petitioner to surrender before the Investigating Officer, who is investigating Crime No. 373/2006 of Chittur Police Station, on 13/11/2006, at 10 a.m.

4. The Investigating Officer shall interrogate the petitioner and, in the event of the arrest of the petitioner, he shall be released on bail, on his executing a bond for Rs.25,000/-,

with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

5. The petitioner shall report before the Investigating Officer, as and when required, till the completion of the investigation.

(J.M.JAMES)
Judge

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